

# PGI PART 201 - FEDERAL ACQUISITION REGULATIONS SYSTEM

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## **PGI 201.1 –PURPOSE, AUTHORITY, ISSUANCE**

### **PGI 201.106 OMB approval under the Paperwork Reduction Act.**

The information collection and record keeping requirements contained in the Defense Federal Acquisition Regulations Supplement (DFARS) and Procedures, Guidance, and Information (PGI) have been approved by the Office of Management and Budget. The following OMB control numbers apply:

<b>DFARS Segment</b>	<b>OMB Control No.</b>
<a href="#">215.403-5</a>	0704-0497
<a href="#">217.7004(a)</a>	0704-0214
<a href="#">217.7404-3(b)</a>	0704-0214

<b>DFARS Segment</b>	<b>OMB Control No.</b>
<a href="#">217.7505(d)</a>	0704-0214
<a href="#">231.205-18</a>	0704-0483
232.10	0704-0359
<a href="#">239.7408</a>	0704-0341
<a href="#">242.1106</a>	0704-0250
<a href="#">245.302(1)(i)</a>	0704-0246
<a href="#">245.604-3(b) and 3(d)</a>	0704-0246
<a href="#">252.204-7000</a>	0704-0225
<a href="#">252.204-7008</a>	0704-0478
<a href="#">252.204-7010</a>	0704-0454
<a href="#">252.204-7012</a>	0704-0478
<a href="#">252.205-7000</a>	0704-0286
<a href="#">252.208-7000</a>	0704-0187
<a href="#">252.209-7001</a>	0704-0187
<a href="#">252.209-7002</a>	0704-0187
<a href="#">252.209-7004</a>	0704-0187
<a href="#">252.209-7008</a>	0704-0477
<a href="#">252.211-7004</a>	0704-0398
<a href="#">252.211-7005</a>	0704-0398
<a href="#">252.211-7006</a>	0704-0434

<b>DFARS Segment</b>	<b>OMB Control No.</b>
<a href="#">252.211-7007</a>	0704-0398
<a href="#">252.215-7002</a>	0704-0232
<a href="#">252.215-7005</a>	0704-0446
<a href="#">252.216-7000</a>	0704-0259
<a href="#">252.216-7001</a>	0704-0259
<a href="#">252.216-7003</a>	0704-0259
<a href="#">252.217-7012</a>	0704-0214
<a href="#">252.217-7026</a>	0704-0214
<a href="#">252.217-7028</a>	0704-0214
<a href="#">252.219-7003</a>	0704-0386
<a href="#">252.223-7001</a>	0704-0272
<a href="#">252.223-7002</a>	0704-0272
<a href="#">252.223-7003</a>	0704-0272
<a href="#">252.223-7004</a>	0704-0272
<a href="#">252.223-7007</a>	0704-0272
<a href="#">252.225-7000</a>	0704-0229
<a href="#">252.225-7003</a>	0704-0229
<a href="#">252.225-7004</a>	0704-0229
<a href="#">252.225-7005</a>	0704-0229
<a href="#">252.225-7010</a>	0704-0229

<b>DFARS Segment</b>	<b>OMB Control No.</b>
<a href="#">252.225-7013</a>	0704-0229
<a href="#">252.225-7018</a>	0704-0229
<a href="#">252.225-7020</a>	0704-0229
<a href="#">252.225-7021</a>	0704-0229
<a href="#">252.225-7023</a>	0704-0229
<a href="#">252.225-7025</a>	0704-0229
<a href="#">252.225-7032</a>	0704-0229
<a href="#">252.225-7033</a>	0704-0229
<a href="#">252.225-7035</a>	0704-0229
<a href="#">252.225-7039</a>	0704-0549
<a href="#">252.225-7040</a>	0704-0460
<a href="#">252.225-7046</a>	0704-0229
<a href="#">252.225-7049</a>	0704-0525
<a href="#">252.225-7050</a>	0704-0187
<a href="#">252.227-7013</a>	0704-0369
<a href="#">252.227-7014</a>	0704-0369
<a href="#">252.227-7017</a>	0704-0369
<a href="#">252.227-7018</a>	0704-0369
<a href="#">252.227-7019</a>	0704-0369
<a href="#">252.227-7025</a>	0704-0369

<b>DFARS Segment</b>	<b>OMB Control No.</b>
<a href="#">252.227-7028</a>	0704-0369
<a href="#">252.227-7037</a>	0704-0369
<a href="#">252.228-7000</a>	0704-0216
<a href="#">252.228-7005</a>	0704-0216
<a href="#">252.228-7006</a>	0704-0216
<a href="#">252.229-7010</a>	0704-0390
<a href="#">252.232-7002</a>	0704-0321
<a href="#">252.232-7007</a>	0704-0359
<a href="#">252.234-7002</a>	0704-0479
<a href="#">252.235-7000</a>	0704-0187
<a href="#">252.235-7001</a>	0704-0187
<a href="#">252.235-7003</a>	0704-0187
<a href="#">252.236-7000</a>	0704-0255
<a href="#">252.236-7002</a>	0704-0255
<a href="#">252.236-7003</a>	0704-0255
<a href="#">252.236-7004</a>	0704-0255
<a href="#">252.236-7010</a>	0704-0255
<a href="#">252.236-7012</a>	0704-0255
<a href="#">252.237-7000</a>	0704-0231
<a href="#">252.237-7011</a>	0704-0231

<b>DFARS Segment</b>	<b>OMB Control No.</b>
<a href="#">252.237-7023</a>	0704-0231
<a href="#">252.237-7024</a>	0704-0231
<a href="#">252.239-7000</a>	0704-0341
<a href="#">252.239-7006</a>	0704-0341
<a href="#">252.239-7009</a>	0704-0478
<a href="#">252.239-7010</a>	0704-0478
<a href="#">252.242-7004</a>	0704-0250
<a href="#">252.243-7002</a>	0704-0397
<a href="#">252.244-7001</a>	0704-0253
<a href="#">252.245-7003</a>	0704-0246
<a href="#">252.246-7003</a>	0704-0441
<a href="#">252.246-7005</a>	0704-0481
<a href="#">252.246-7006</a>	0704-0481
<a href="#">252.246-7008</a>	0704-0541
<a href="#">252.247-7000</a>	0704-0245
<a href="#">252.247-7001</a>	0704-0245
<a href="#">252.247-7002</a>	0704-0245
<a href="#">252.247-7007</a>	0704-0245
<a href="#">252.247-7022</a>	0704-0245
<a href="#">252.247-7023</a>	0704-0245

<b>DFARS Segment</b>	<b>OMB Control No.</b>
<a href="#">252.247-7026</a>	0704-0245
<a href="#">252.247-7028</a>	0704-0245
<a href="#">252.249-7002</a>	0704-0533
<a href="#">252.251-7000</a>	0704-0252
Appendix F	0704-0248
Appendix I	0704-0332
DD Form 1348-1A	0704-0246
DD Form 1639	0704-0246
DD Form 1659	0704-0245
DD Form 2063	0704-0231
DD Form 2139	0704-0229
DD Form 250	0704-0248
DD Form 250-1	0704-0248

## **PGI 201.109 Statutory acquisition-related dollar thresholds - adjustment for inflation.**

Statutory acquisition-related dollar thresholds are reviewed every 5 years to calculate adjustment for inflation, as required by Section 807 of the National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375). The matrix showing the most recent escalation adjustments of statutory acquisition-related dollar thresholds in the DFARS is available [here](#).

## **PGI 201.170 Peer Reviews.**

The tenets of the DoD-wide architecture for the acquisition of services along with the associated review criteria are available [here](#). These matrices are to be used when conducting preaward and postaward peer reviews on acquisitions for services. See PGI [237.102-76](#) , Review criteria for the acquisition of services.

## **PGI 201.170-1 Objective of Peer Reviews.**

The objectives of Peer Reviews are to—

- (a) Ensure that DoD contracting officers are implementing policy and regulations in a consistent and appropriate manner;
- (b) Continue to improve the quality of contracting processes throughout DoD; and
- (c) Facilitate cross-sharing of best practices and lessons learned throughout DoD

Defense Procurement and Acquisition Policy maintains a database of Peer Review recommendations, lessons learned, and best practices that is available at:  
[http://www.acq.osd.mil/dpap/cpic/cp/peer\\_reviews.html](http://www.acq.osd.mil/dpap/cpic/cp/peer_reviews.html).

## **PGI 201.170-2 Pre-award Peer Reviews.**

(a) Pre-award Peer Reviews for competitive acquisitions shall be conducted prior to each of the following three phases of the acquisition:

- (1) Issuance of the solicitation.
- (2) Request for final proposal revisions (if applicable).
- (3) Contract award.

(b) Pre-award Peer Reviews for non-competitive acquisitions shall be conducted prior to each of the following two phases of the acquisition:

- Negotiation.
- (2) Contract award.

## **PGI 201.170-3 Post-award Peer Reviews of service contracts.**

(a) If the base period of performance is greater than one year, the first post-award Peer Review should take place at the mid-point of the base period of performance. If the base period of performance is one year or less, the post-award Peer Review should occur prior to exercise of the first option year. Post-award Peer Reviews should occur prior to every option period thereafter.

- (b) Post-award Peer Reviews shall be focused on—
  - (1) The adequacy of competition;
  - (2) An assessment of actual contract performance; and
  - (3) The adequacy of Government surveillance of contract performance.

## **PGI 201.170-4 Administration of Peer Reviews.**

(a) The results and recommendations that are products of Peer Reviews are intended to be advisory in nature; however, in the event the Peer Review report includes a recommendation that is identified as

“significant” and the contracting officer does not intend to follow that recommendation, the senior procurement official of the contracting activity for the reviewed organization must be made aware of this fact before action is taken (or inaction, as applicable) that is contrary to the recommendation. Reviews will be conducted in a manner that preserves the authority, judgment, and discretion of the contracting officer and the senior officials of the acquiring activity.

(b) Peer Review teams will be comprised of senior contracting officials and attorneys from throughout DoD. A senior official designated by the OSD Office of Small Business Programs will participate as a team member on Peer Reviews of services acquisitions. Teams will include civilian employees or military personnel external to the department, agency, or component that is the subject of the Peer Review.

(c) Generally, each review will be conducted at the location of the executing contracting organization.

(d) A list of the documents that must be made available to the review team, along with the specific elements the team will examine, is provided at the end of this PGI section.

(e) The review team observations and recommendations will be communicated to the contracting officer and the senior procurement official immediately upon completion of a review.

(f) The contracting officer shall document the disposition of all Peer Review recommendations (i.e., state whether the recommendation will be followed and, if not, why not) as a signed memorandum for the record in the applicable contract file. This memorandum must be executed prior to the next phase Peer Review or prior to contract award for Phase 3 reviews. For post-award Peer Reviews of services acquisitions, the memorandum must be executed prior to the next option exercise. The contracting officer shall provide a copy of the memorandum to: Deputy Director, Defense Procurement and Acquisition Policy (Contract Policy and International Contracting), 3060 Defense Pentagon, Washington, DC 20301-3060.

#### Pre-award Peer Reviews

#### Required Documents and Elements

Required Documents: At a minimum, Peer Review teams shall have access to the following documents (as applicable):

The requirements document, to include the Acquisition Decision Memorandum;

The acquisition strategy, or acquisition plan;

The source selection plan;

The initial Request for Proposals (RFP) and all amendments to include what, if any, RFP requirements (technical and contractual) were changed and why;

The Source Selection Evaluation Board (SSEB) analysis and findings to ensure the evaluation of offers was consistent with the Source Selection Plan and RFP criteria;

Any meeting minutes memorializing discussions between the Government and offerors;

All evaluation notices generated as a result of deficiencies in the offerors' proposals as well as the offerors' responses to those evaluation notices;

All minutes memorializing the conduct of Source Selection Advisory Council (SSAC) deliberations held to date;

The offerors' responses to the request for Final Proposal Revision;

The final SSAC deliberations;

The final SSA determination and source selection decision;

Award/incentive fee arrangements, documentation of any required HCA D&Fs regarding non-availability of objective criteria;

Justification and Approval for use of non-competitive procedures; and

Documentation of pre-negotiation objectives, cost/price negotiation and the assessment of contractor risk in determining profit or fee.

Elements to be addressed:

The process was well understood by both Government and Industry;

Source Selection was carried out in accordance with the Source Selection Plan and RFP;

The SSEB evaluation was clearly documented;

The SSAC advisory panel recommendation was clearly documented;

The SSA decision was clearly derived from the conduct of the source selection process;

All source selection documentation is consistent with the Section M evaluation criteria; and

The business arrangement.

Post-award Peer Reviews

Required Documents and Elements

Required Documents: At a minimum, Peer Review teams shall have access to the following documents (as applicable):

The requirements document;

The business arrangement, including business case analysis;

Market research documentation;

The business clearance, including documentation of cost/price negotiation and the assessment of contractor risk in determining profit or fee.

Contractor surveillance documentation to include metrics, quality assurance surveillance plans; and

The contract and modifications thereof.

Elements to be addressed, at a minimum, in every post-award review:

Contract performance in terms of cost, schedule, and requirements;

Use of contracting mechanisms, including the use of competition, the contract structure and type, the definition of contract requirements, cost or pricing methods, the award and negotiation of task orders, and management and oversight mechanisms;

Contractor's use, management, and oversight of subcontractors;

Staffing of contract management and oversight functions; and

Extent of any pass-throughs, and excessive pass-through charges by the contractor (as defined in section 852 of the National Defense Authorization Act for Fiscal Year 2007, Public Law 109-364).

Steps taken to mitigate the risk that, as implemented and administered, non-personal services contracts may become de facto personal services contracts.

Elements to be addressed in post-award reviews of contracts under which one contractor provides oversight for services performed by other contractors:

Extent of the DoD component's reliance on the contractor to perform acquisition functions closely associated with inherently governmental functions as defined in 10 U.S.C. 2383(b)(3); and

The financial interest of any prime contractor performing acquisition functions described in paragraph (1) in any contract or subcontract with regard to which the contractor provided advice or recommendations to the agency.

## **PGI 201.3 –AGENCY ACQUISITION REGULATIONS**

### **PGI 201.301 Policy.**

(b)(i) Contract clauses and solicitation provisions developed by departments and agencies (local clauses) that constitute a significant revision, as defined at FAR 1.501-1, shall be—

(A) Published for public comment in the Federal Register in accordance with FAR 1.501; and

(B) Approved in accordance with DFARS [201.304](#).

(ii) A local clause is considered a significant revision, as defined at FAR 1.501-1, if the clause—

(A) Contains a new certification requirement for contractors or offerors that is not imposed by statute (see FAR 1.107 and DFARS [201.107](#) and [201.304](#)(2));

(B) Constitutes a deviation (as defined at FAR 1.401) from the parts and subparts identified at DFARS [201.402](#)(1); or

(C) Will be used on a repetitive basis; and

(1) Imposes a new requirement for the collection of information from 10 or more members of the public (see FAR 1.106); or

(2) Has any cost or administrative impact on contractors or offerors beyond that contained in the FAR or DFARS.

(iii) A local clause is not considered a significant revision as defined at FAR 1.501-1, if the clause—

(A) Is for a single-use intended to meet the needs of an individual acquisition (e.g. a clause developed as a result of negotiations and documented in the business clearance or similar document), except for clauses that constitute a deviation (as defined at FAR 1.401) from the parts and subparts identified at DFARS [201.402](#)(1); or

(B) May be used on a repetitive basis and has no new or additional cost or administrative impact on contractors or offerors beyond any cost or administrative impact contained in existing FAR or DFARS

coverage.

## **PGI 201.304 Agency control and compliance procedures.**

(4) Plans for controlling the use of clauses or provisions other than those prescribed by the FAR or DFARS (local clauses), as required by DFARS [201.304](#)(4), shall include procedures to ensure that a local clause—

(A) Is evaluated to determine whether the local clause constitutes a significant revision (see [201.301](#) (b));

(B) Is numbered in accordance with FAR 52.1 and DFARS 252.1 (see [252.103](#));

(C) Is accompanied by a prescription in the appropriate part and subpart of the department or agency FAR supplement where the subject matter of the clause receives its primary treatment;

(D) If it constitutes a significant revision—

(1) Is published for public comment in the Federal Register in accordance with FAR 1.501 and DFARS 201.501;

(2) Complies with the Paperwork Reduction Act 1980 (44 USC chapter 35), in accordance with FAR 1.106 and 1.301;

(3) As a matter of policy, complies with the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*); and

(4) Is approved in accordance with DFARS [201.304](#); and

(E) Is published with a prescription as a final rule in the Federal Register in order to amend the department or agency's chapter of Title 48 of the Code of Federal Regulations (CFR), if it is to be used on a repetitive basis.

(5)(A) Prior to publication for public comment in the Federal Register of a local clause that constitutes a significant revision (see [201.301](#) (b)), departments and agencies shall submit, in accordance with agency procedures, the following information electronically via email to the Director, Defense Acquisition Regulation (DAR) Council, at [osd.clause.control@mail.mil](mailto:osd.clause.control@mail.mil):

(1) The name of the requesting department or agency.

(2) The name, email address and phone number of the point of contract for the local clause and the department or agency clause control point of contact.

(3) A detailed rationale for the request, to include—

(i) Why existing FAR or DFARS clauses or provisions do not satisfy, or could not be tailored to meet, the department or agency's needs;

(ii) What contracting problem or situation will be avoided, corrected, or improved if the local clause is approved; and

(iii) Identification of other DoD Components that have expressed interest in use of the clause for consideration for incorporation into the DFARS.

(4) The draft rule to be published in the Federal Register to solicit public comments on the proposal to amend the department and agency's chapter of Title 48 of the CFR to incorporate the local clause.

(5) The initial regulatory flexibility analysis. For additional information on the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) see Appendix 8 of the FAR Operating Guide accessible via the Defense Acquisition Regulation System (DARS) website at <http://www.acq.osd.mil/dpap/dars/about.html>.

(6) If applicable, the request package to be submitted to the Office of Management and Budget for any new information collection requirement imposed by the local clause. For additional information on the Paperwork Reduction Act (44 USC Chapter 35) see Appendix 9 of the FAR Operating Guide accessible via the DARS website at <http://www.acq.osd.mil/dpap/dars/about.html>.

(7) Evidence of coordination with the department or agency's legal counsel.

(8) Evidence of coordination with the appropriate stakeholders (e.g., Chief Information Officer, Office of Small Business Programs, etc.).

(B) The Director, DAR Council, shall—

(1) Determine whether the local clause unnecessarily duplicates coverage currently contained within the FAR or DFARS;

(2) Determine whether the local clause constitutes a deviation from the FAR or DFARS (see FAR 1.401) and requires approval in accordance with DFARS 201.4;

(3) Coordinate the local clause with the appropriate stakeholders;

(4) Coordinate local clauses, as appropriate, with the DAR Council for consideration of the local clause for incorporation in the DFARS; and

(5) Provide recommendations regarding the local clause package.

(C) Requests for Director, Defense Procurement and Acquisition Policy (DPAP), approval of local clauses that have been published for public comment in the Federal Register, shall be submitted electronically via email through the Director, DAR Council, at [osd.clause.control@mail.mil](mailto:osd.clause.control@mail.mil) and shall include the following:

(1) A memorandum requesting Director, DPAP, approval of the local clause.

(2) A copy of the notice of the rule published in the Federal Register.

(3) A copy of all public comments received in response to the Federal Register notice.

(4) An analysis of, and responses to, any public comments received.

(5) The draft final rule to be published in the Federal Register to amend the department or agency's chapter of Title 48 of the CFR to incorporate the local clause.

(6) The final regulatory flexibility analysis. For additional information on the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) see Appendix 8 of the FAR Operating Guide accessible via the DARS website at <http://www.acq.osd.mil/dpap/dars/about.html>.

(7) If applicable, a copy of the Office of Management and Budget's approval of any new information collection requirement imposed by the local clause. For additional information on the Paperwork Reduction Act (44 USC chapter 35) see Appendix 9 of the FAR Operating Guide accessible via the DARS website at <http://www.acq.osd.mil/dpap/dars/about.html>.

(8) Evidence of coordination with the department or agency's legal counsel.

(9) Evidence of coordination with the appropriate stakeholders (e.g., Chief Information Officer, Office of Small Business Programs, etc.).

(10) A copy of any initial recommendations received from the Director, DAR Council on the proposed rule.

## **PGI 201.6 –CAREER DEVELOPMENT, CONTRACTING AUTHORITY, AND RESPONSIBILITIES**

### **PGI 201.602 Contracting officers.**

#### **PGI 201.602-2 Responsibilities.**

Contracting officers shall inform all individuals performing on their behalf of their delegated roles and responsibilities, and the relationships among the parties.

(d)(i) When designating Department of State personnel as a contracting officer's representative (COR for contracts executed by DoD in support of Department of State in Iraq), follow the procedures in the Director, Defense Procurement and Acquisition Policy memorandum dated July 11, 2011, Contracting Officer's Representative Designation—Iraq.

(ii) DoD COR certification standards define minimum COR competencies, experience, and training requirements according to the nature and complexity of the requirement and contract performance risk. These COR certification standards should be considered when developing service requirements, soliciting proposals, and performing surveillance during contract performance. The DoD standards and policy are provided in DoD Instruction 5000.72, DoD Standard for Contracting Officer's Representative (COR) Certification.

(iii) Guidance on the appointment and duties of CORs is provided in the [https://www.acq.osd.mil/dpap/cpic/cp/docs/USA001390-12\\_DoD\\_COR\\_Handbook\\_Signed.pdf](https://www.acq.osd.mil/dpap/cpic/cp/docs/USA001390-12_DoD_COR_Handbook_Signed.pdf).

(iv) DoD agencies and components shall use the DoD Contracting Officer Representative Tracking (CORT) Tool to electronically track COR nominations, appointments, terminations, and training certifications for service contracts. Further guidance on using this tool is provided in OUSD(AT&L) memorandum, dated February 10, 2014, Update to the Department of Defense Contracting Officer Representative Tracking Tool. The link to the CORT Tool is <https://wawf.eb.mil>.

(v) A COR assists in the technical monitoring or administration of a contract.

(A) Contracting officers shall designate a COR for all service contracts, including both firm-fixed-price and other than firm-fixed-price contracts, awarded by a DoD component or by any other Federal agency on behalf of DoD. The surveillance activities performed by CORs should be tailored to the dollar value/complexity of the specific contract for which they are designated. For geographically dispersed large contracts with multiple task orders, contracting officers should consider appointing multiple or alternate CORs to assist with surveillance duties. These CORs should have specific duties based on criteria, such as geographic region or distinct task areas, to avoid conflicting or duplicative direction. Contracting officers may exempt service contracts from this requirement when the following three conditions are met:

(1) The contract will be awarded using simplified acquisition procedures;

(2) The requirement is not complex; and

(3) The contracting officer documents the file, in writing, with the specific reasons why the appointment of a COR is unnecessary.

(B) For cost reimbursement contracts that are not service contracts, contracting officers shall either retain or delegate surveillance activities to a COR or DCMA.

(C) The contracting officer shall include a copy of the written designation required by FAR 1.602-2(d)(7) in the CORT Tool.

(vi) A COR shall maintain an electronic file in the CORT Tool for each contract assigned. This file must include, as a minimum—

(A) A copy of the contracting officer's letter of designation and other documentation describing the COR's duties and responsibilities; and

(B) Documentation of actions taken in accordance with the delegation of authority.

(vii) Contracting officers, as well as the requiring activities (or the COR's supervisor), shall, as a minimum, annually review the COR's files for accuracy and completeness. The results of the contracting officer's review shall be documented in the CORT Tool.

(viii) Prior to contract closeout, the COR will deliver the COR files for the assigned contract to the contracting officer for incorporation into the contract file.